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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,820	12/14/2000	Hao A. Chen	3620-036-01	8675

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EXAMINER

RHEE, JANE J

ART UNIT PAPER NUMBER

1772

DATE MAILED: 05/07/2003

to

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/736,820	Applicant(s) CHEN ET AL.	
	Examiner Jane J Rhee	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 19, 20, 22, 23 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 19, 20, 22, 23 and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-6,22,23,27 are rejected under 35 U.S.C. 102(b) as being anticipated by Skinner (40871400).

Skinner discloses a floor surface covering comprising to or more polymeric flooring planks having edges wherein the planks are connected to each other by a bonding agent wherein the bonding agent is present on at least one of the edges of at least one of the planks (col. 4 lines 30-35), and wherein the bonding agent comprises at least one solvent that at least bonds the edges of the planks (col. 3 line 28). Skinner discloses that the bonding agent consists of tetrahydrofuran (col. 1 line 32). Skinner discloses that the bonding agent is present on at least each edge of each thermoplastic plank connected together to another thermoplastic plank (col. 4 lines 30-35). Skinner discloses that the bonding agent is present on two opposite edges of each individual plank (col. 4 lines 30-35, 57-60). Skinner discloses that the polymeric flooring plank is in the shape of a tile (col.1 lines 67-68). Skinner discloses that the polymeric flooring plank has a polymeric core with a laminate affixed on the surface of the core (col. 4 lines 23-24). Skinner discloses that the bonding agent comprises at least two different

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solvents capable of at least bonding the edges of the polymeric portions of the plank (col. 3 lines 28-30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner in view of Del Rincon et al. (5694730).

Skinner discloses a floor surface covering comprising to or more polymeric flooring planks having edges wherein the planks are connected to each other by a bonding agent wherein the bonding agent is present on at least one of the edges of at least one of the planks (col. 4 lines 30-35), and wherein the bonding agent comprises at least one solvent that at least bonds the edges of the planks (col. 3 line 28). Skinner discloses that the bonding agent consists of tetrahydrofuran (col. 1 line 32). Skinner discloses that the bonding agent is present on at least each edge of each thermoplastic plank connected together to another thermoplastic plank (col. 4 lines 30-35). Skinner discloses that the bonding agent is present on two opposite edges of each individual plank (col. 4 lines 30-35, 57-60). Skinner discloses that the polymeric flooring plank is in the shape of a tile (col. 1 lines 67-68). Skinner discloses that the polymeric flooring plank has a polymeric core with a laminate affixed on the surface of the core (col. 4 lines 23-24). Skinner discloses that the bonding agent comprises at least two different

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solvents capable of at least bonding the edges of the polymeric portions of the plank (col. 3 lines 28-30). Skinner fail to disclose splines. Del Rincon et al. teaches splines located between at least a portion of the polymeric planks for the purpose of joining the planks together (col. 1 line 5).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Skinner with splines in order to join the planks together as taught by Del Rincon et al. (col. 1 line 5).

Response to Arguments

Applicant's arguments with respect to claims 1-6, 19-20,22-23,27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 703-605-4959. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Jane Rhee
May 2, 2003



HAROLD PYON
SUPERVISORY PATENT EXAMINER

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5/5/03